Development (1948) Department.

MS SERIES.

G.O. No. 4050

Dated 7-8-48

[Despatch Abstract.]

ACTS AND RULES : THE MADRAS AGRICULTURAL PESTS AND DISEASES ACT 1919 : CONTROL OF WHEAT RUST : GROWING OF WHEAT AND MARKET DURING APRIL TO SEPTEMBER : PROHIBITION IN THE ENTIRE PROVINCE FOR A PERIOD OF THREE YEARS : NOTIFICATIONS : ISSUED.

GOVERNMENT OF MADRAS

Abstract

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ACTS AND RULES - The Madras Agricultural Pests and Diseases Act, 1919 - Control of wheat rust - Sowings of wheat and barley during April to September - Prohibition in the entire Province for a period of three years - Notifications - Issued.

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any additional staff to be employed in the Agricultural Department for enforcing the ban. One copy of the report should be submitted through the Board of Revenue.

(By order of His Excellency the Governor)

C.V. NARASIMHAN
Deputy Secretary to Government

To the Director of Agriculture.
To the Accountant-General, through the Finance.
To all Collectors (except the Collector of Madras)
To the Board of Revenue.
To the Senior Translator to Government (with 4 spare copies)
To the Director of Information and Publicity, Public Works Department.
To the Government of India, Ministry of Agriculture, New Delhi
To the Superintendent-Government Press for publication of the notification in the Fort St. George Gazette.

/True-copy/

APPENDIX.

NOTIFICATION. I.

In order to eradicate and prevent the spread of the plant diseases specified in Development Department Notification No.583 dated the 8th June 1948, published at page 521 of Part I of the Fort St. George Gazette, dated the 8th June 1948 and in supersession of Development Department Notification No. 584 dated the 8th June 1948, published at page 521 of Part I of the Fort St. George Gazette dated the 8th June 1948, His Excellency the Governor of Madras hereby directs under section 3 (1) (b) and (c) of the Madras Agricultural Pests and Diseases Act, 1919 (Madras Act III of 1919) that the following preventive and remedial measures shall be taken in respect thereof.

(a) The cultivation of wheat and barley crops between the 1st April and 30th September (both days inclusive) in the whole of the Province of Madras shall be prohibited.

(b) All cultivated or self-sown wheat or barley plants and stubbles and tillers of any previous wheat or barley crops in the said Province shall be eradicated and burnt in situ between the dates mentioned in clause (a);

This notification shall remain in force on and from the 10th August 1948 and inclusive of the 30th September 1950.

NOTIFICATION II.

Under section 3 (2) of the Act aforesaid, His Excellency the Governor of Madras hereby directs that Notification No. supra shall be proclaimed in the villages in the areas to which it applied by beat of tom tom and that copies of the said notification shall be pasted in the village chavadis or other prominent places in the said areas before the date on which the said notification comes into force.

NOTIFICATION III.

In connection with the eradication of the "rusts" of wheat and barley in the whole of the Province of Madras and in supersession of Development Department Notification No. 586 dated the 8th June 1948, published at page 522 of Part I of the Fort St. George Gazette, dated the 8th June 1948, His Excellency the Governor of Madras hereby --

(1) appoints under section 19 of the Madras Agricultural Pests and Diseases Act, 1919 (Madras Act III of 1919) the following persons as Inspecting Officers within their respective jurisdictions:

(i) Revenue Inspectors, village Munsiffs and Karnams in the said Province, and

(ii) Upper and Lower subordinates, Laboratory Assistants, Fieldmen and Maistries of the Agricultural Department in the said Province and those attached to Mycology section, Coimbatore;

(2) appoints under section 10 of the said Act, the District Agricultural Officers in the said Province as the Valuing Officers within their respective jurisdiction.

NOTIFICATION IV.

In exercise of the powers conferred by section 21 of the Madras Agricultural Pests and Diseases Act, 1919 (Madras Act III of 1919) and in supersession of the rules published with the Development Department Notification, dated the 8th June 1948, at pages 143-46 of the Rules Supplement to Part I of the Fort St. George Gazette, dated the 8th June 1948, His Excellency the Governor of Madras hereby makes the following rules:-

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RULES.

1. Appeals under section 6 of the Act shall lie to the Revenue Divisional Officer concerned and appeals under sections 8 and 12 shall lie to the Collector of the district concerned.

2. An appeal presented under section 6 of the Act shall not be received unless it is accompanied by the original notice served on the appellant by the Inspecting Officer. Similarly an appeal under ~~under~~ section 12 shall be accompanied by a copy of the ~~war~~ award transmitted to the appellant by the Valuing Officer. It shall set forth clearly the objection or objections to the terms of the notice, and shall specify the point or points on which redress is sought.

3. In dealing with appeals under section 6, 8 or 12 of the Act, the appellate Officer shall record his decision in writing and communicate a copy thereof free of charge to the appellant.

4. The notice issued under section 6 of the Act, shall be in form "A" annexed to these rules and the Inspecting Officer shall maintain a register of notices in Form "B" annexed to these rules.

5. Every notice under section 6 or 9 (1)of the Act shall be authenticated by the signature of the Officer by whom it is issued. The notice shall be served by delivering a copy of the occupier or to some adult make member of his family, at his usual place of abode, or to his authorised agent, or by affixing a copy thereof in some conspicuous part of his last known residence or on some conspicuous part of the land on which the prescribed remedial or preventive measures are to be taken.

6. The notice of demand under section 8 of the Act shall be in form "C" annexed to these rules and shall be served in the manner prescribed for the service of notices by all the Inspecting Officers excepting the village officer and a copy of it shall be communicated to the village officer and the taluk office. The Inspecting Officer shall maintain two registers in Forms "D" and "E" annexed to these rules.

7. Compensation under section 16 of the Act may be paid to such of those cultivators as refrain from growing wheat and barley between the 1st April and 30th September in the whole of the

Province of Madras but grow a less remunerative crop in accordance with the rate of compensation to be fixed by the Government.

8. No compensation shall be paid in respect of areas in the Province of Madras which are suitable for the cultivation of ragi (Eleuzince Coracana) between the 1st April and 30th September.

9. The Revenue Divisional Officer concerned shall be the authority to decide the amount of compensation payable in each case.

NOTE: All appeals under the Act should bear 12 annas stamp.

ANNEXURE.

Form "A".

/Notice under section 6 (1) of the Act - See rule 4./

No.

Date

To..... Village.....Taluk.....District

You are hereby required to take notice that you should carry out the following measures in respect of the plants described in the Schedule hereunder and growing or situated in the fields therein mentioned and under your occupation in the village of..... in the.....taluk.in.the .....district with in..... days from the date of the service of this notice. If you object to this notice you may prefer an appeal along with this notice to the Revenue Divisional Officer of.....within 7 days from the service of this notice setting forth the grounds of objection and the points for redress. The decision of that officer ~~sha~~- will be final. If you fail to comply with his notice, or, in case of appeal, with the order of the appellate officer, the undersigned is authorised by law to carry out at your expense the measures ordered and you will also be liable to a fine not exceeding Rs. 50 or in case of default to simple imprisonment for a period not exceeding ten days.

INSPECTING OFFICER.

Schedule.

Serial Number of Notice	S.No. Sub-division No. to which notice relates.	Name of occupier	Description of the plants to be destroyed	Measures to be carried out.
-1-	-2-	-3-	-4-	-5-

NOTE.....(5)

NOTE: Sections 6, 7 and 14 of the Act and the remedial measures specified in the notification issued under section 3 (b) and (c) are printed on the reverse of the notice.

Section 6: (1) If any inspecting officer appointed under section 19 finds that any prescribed remedial or preventive measures other than those specified in section 5-A have not been properly carried out he may, subject to such rules as the Provincial Government may prescribe under section 21 (g), call upon the occupier by notice in writing to carry out the prescribed remedial or preventive measures within a time to be specified in such notice.

(2) The occupier may within seven days of the service upon him of such notice prefer an appeal to the prescribed officer who may make such order as he thinks fit. The decision on such appeal shall be final.

(3) The Officer receiving the appeal may extend the time specified in the notice under sub-section (1).

Section 7: If any occupier upon whom notice has been served under section 6 fails to comply with the notice within the time specified by the inspecting officer or, in cases where an appeal has been preferred, by the prescribed officer on appeal, he shall be deemed to have committed an offence under this Act and the prescribed remedial or preventive measures may be carried out by the inspecting officer or under his supervision.

Section 14: Any one convicted by a magistrate of an offence under section 5-A or 7 of this Act shall be liable to a fine not exceeding Rs.50 or, in default to simple imprisonment for a period not exceeding ten days.

Remedial measures specified in the notification issued under Sec.3.

(1) Cultivation of wheat and barley crops between the 1st April and 30th September (both days inclusive) in the whole of the Province of Madras shall be prohibited.

(2) All cultivated or self sown wheat or barley plants and stubbles and tillers of any previous wheat or barley crops in the whole of the Province of Madras shall be eradicated and burnt in situ between the 1st April and 30th September (both days inclusive).

FORM B.

REGISTER OF NOTICES UNDER SECTION 6
(See rule 4).

1. Serial number of Notice.
2. Village.
3. Survey and sub-division number to which notice relates.
4. Name of the occupier.
5. Description of the plants to be destroyed.
6. Date of Service of notice.
7. How served.
8. Date of the expirye of appeal time.
9. Order of the appellate officer.
10. Date of expiry of the period allowed by the Inspecting Officer or in case of an appeal of the period specified by the appellate officer.
11. Whether the prescribed measures are executed by the occupier or by the Inspecting Officer and in the latter case, date of execution.
12. Remarks.

FORM.C.

DEMAND FORM (See rule 6).

Notice of demand to..... of..... village in .....Taluk.....

Take notice that an expenditure of Rs.....of which the details are annexed has been incurred in carrying out the prescribed remediel measures in Survey Number.....of.....village and that you are required to pay the amount within 30 days of the date of service of this notice. The amount may be paid to the village headman or remitted to the Taluk Treasury.

If you object to this notice you may prefer an appeal to the Collector within 30 days from the date of service of this notice on the grounds specified in section 8 of the Act printed on the reverse..

INSPECTING OFFICER.

ANNEXURE.
(Here enter details of cost.)

NOTE: Section 8 of the Act is printed on the reverse of the demand form.

Section 8: (1) If any prescribed remedial or preventive measures are carried out by the inspecting officer under section 5-A or 7 the cost of such measures shall be recoverable from the occupier as if it were an arrear of land revenue, but such occupier may appeal to the Collector within thirty days from the date of demand on the ground that,

(a) charges for items other than cost of labour, material or use of implements have been included, or
(b) the charges for labour, material or use of implements are unduly high.

(2) The order of the Collector on such appeal shall be final.

FORM "D".
(See Rule 6.)

1. Village.
2. Survey and sub-division number.
3. Name of the occupier.
4. Number and date of the notice issued by the Inspecting Officer to carry out the measures.
5. Date on which the remedial measures were carried out by the Inspecting Officer.
6. Cost in detail of the measures taken.
7. Date of despatch of demand to the village Officer and the Taluk Office.
8. Date of receipt of copy of demand notice by the Village Officer.
9. Remarks.

MADRAS AGRICULTURAL PESTS AND DISEASES ACT, 1919
(Madras Act III of 1919).

Form "E"
/Inspecting Officer's Return - See rule 6/

District.
Taluk.

Village	Location of affected field or area	Survey Number & Sub-Divn. Number	Full name and address of occupier	No.marked on or other description of affected plant or area	No.& date of notice issued by the Inspecting Officer	Date of expiry of appeal time	No.of plants or areas so far operated by		No.of plants or area remaining to be operated at the beginning of the month	No.of plants or area operated during the month	Balance remaining at the end of the month	Remarks (Amount of compensation paid etc.)
							Occupier	Inspecting Officer				
-1-	-2-	3-	-4-	-5-	-6-	-7-	-8-	-9-	-10-	-11-	-12-	-13-

/True copy/

Office Assistant,
Madras Record Office, Egmore.

Sk.

GOVERNMENT OF MADRAS
Development Department.

Letter No.74349-A.II/48.10 Dated, the 2nd August 1948

From

C.V. Narasimhan, Esq., I.C.S.,
Deputy Secretary to Government.

To

The Secretary to the Government of India,
Ministry of Agriculture, NEW DELHI.

Sir,

Sub: ACTS AND RULES - The Madras Agricultural Pests and Diseases Act, 1919 - Control of Wheat Rust - Prohibition of cultivation of wheat and barley in the Madras Province.
Ref: Your telegram No.F.13-5/48PPS dated the 6th July 1948.

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I am directed to refer to the correspondence resting with your telegram cited and to state that the Government of Madras have since issued notifications under the Madras Agricultural Pests and Diseases Act 1919 prohibiting the cultivation of summer wheat and barley (from the 1st April to 30th September) throughout the Province for a period of 3 years. A copy of this Government's Proceedings No. 4050 dated the 2nd August 1948 is enclosed.

2. I am to state in this connection that the acreage under wheat and barley in the Nilgiris and Kodaikanal taluk of Madura District is ~~expected~~ estimated at about 2,200 acres. As the bulk of this acreage was sown long before the end of April 1948 when the decision to ban the summer sowings of wheat was arrived at, the Government made necessary provision in the notification previously issued in respect of those areas to exempt, with the concurrence of the Government of India, the standing crop sown in April 1948 or earlier from being destroyed. The figure 14,000 acres mentioned in this Government's telegram No. 74349-AII/48-3 dated the 6th July 1948 refers to the acreage of wheat in a full year for the whole province. Practically the whole acreage outside the hill areas is sown outside the crucial period, namely, April to September, and it was for this reason that the original notification was applied only to the hill areas as there will be practically very little crop on the ground outside the hill areas between April and September. It will now be seen from the proceedings of this Government enclosed that instructions have since been issued to all Collectors to see that standing crops of wheat and barley throughout the province are harvested immediately irrespective of the stage of maturity and those of the recalcitrant ryots are harrowed up and burnt. Sowings will not also, of course, be allowed till the end of Septmmber anywhere.

3. A separate communication will follow regarding the compensation to be paid to the ryots and the cost of additional staff to be employed for the enforcement of the ban.

Yours faithfully,

C.V. NARASIMHAN
Deputy Secretary to Government.

Copy to the Director of Agriculture.
Copy to t he Board of Revenue.

/True copy/

R. Thiagarajan 2.2.54.

Office Assistant,
Madras Record Office, Egmore.

Sk.

30-7-54 20-1-54